

Senate File 2315

S-5255

- 1 Amend the House amendment, S-5234, to Senate File
2 2315, as amended, passed, and reprinted by the Senate,
3 as follows:
- 4 1. Page 5, after line 34 by inserting:
5 <____. Page 11, line 18, by striking <A person> and
6 inserting <Notwithstanding subsection 1, a person>>
7 2. Page 7, by striking lines 7 through 13 and
8 inserting <in this Act. In addition, the transition>
9 3. Page 10, after line 22 by inserting:
10 <____. Chapter 229.>
11 4. Page 12, after line 10 by inserting:
12 <____. Page 27, line 23, before <one> by inserting
13 <at least>
14 _____. Page 27, line 24, after <designees> by
15 inserting <and any other members specified in the
16 region's regional governance agreement entered into in
17 accordance with section 331.438E>>
18 5. Page 15, line 1, after <applies> by inserting
19 <beginning July 1, 2012,>
20 6. Page 15, line 5, after <costs> by inserting <for
21 services provided on or after July 1, 2011,>
22 7. Page 15, after line 8 by inserting:
23 <(____) Chapter 229.>
24 8. Page 15, line 17, after <billing.> by inserting
25 <However, for services provided on or after July 1,
26 2011, for which a county has received the billing as of
27 July 1, 2012, the county shall notify the department of
28 the county's assertion on or before October 1, 2012.>
29 9. By striking page 24, line 23, through page 28,
30 line 2, and inserting:

31 <DIVISION _____

32 PROPERTY TAX-RELATED PROVISIONS

33 Sec. _____. MENTAL HEALTH AND DISABILITY SERVICES
34 REDESIGN FISCAL VIABILITY ANALYSIS.

- 35 1. The legislative council is requested to
36 authorize a study committee to analyze the viability
37 of the mental health and disability services redesign
38 financing provisions in 2012 Iowa Acts, Senate File
39 2315, if enacted, during the 2012 and 2013 legislative
40 interims. The study committee may contract for an
41 independent analysis to be performed. Reports of
42 the analysis containing findings and recommendations
43 shall be submitted for consideration during the 2013
44 legislative session. The study committee may meet
45 during the 2013 legislative interim to consider and
46 determine whether revisions to 2013 redesign financing
47 enactments are warranted and to make appropriate
48 recommendations for consideration during the 2014
49 legislative session.
50 2. The financial information addressed by the

1 analysis shall include but is not limited to all of the
2 following:

3 a. A determination as to the adequacy of the local
4 funding sources available to counties and county
5 regions, including the per capita levy provisions;
6 whether adjustments are warranted to reflect the
7 relative capacity of the property tax base to provide
8 needed funding; how to provide funding sufficiently
9 flexible to meet the needs identified and reflect
10 annual population and property valuation changes;
11 and identification of options for revising the levy
12 provisions.

13 b. Identification of options and alternatives for
14 provision of state funding to the regional system,
15 including making equalization payments, addressing
16 growth and population shifts, dealing with growth in
17 terms of costs and numbers of consumers, and allocation
18 of state cases in a phase-out of the legal settlement
19 system for determining financial responsibility.

20 c. Analysis of the likely effects that the
21 implementation of the federal Patient Protection and
22 Affordable Care Act, Pub. L. No. 111-148, as amended by
23 the federal Health Care and Education Reconciliation
24 Act of 2010, Pub. L. No. 111-152, and any amendments
25 thereto, or other applicable federal law, will have on
26 the service obligations of counties.

27 d. Analysis of services fund balances held by
28 counties.

29 Sec. _____. Section 331.424A, Code Supplement 2011,
30 is amended to read as follows:

31 **331.424A County mental health, ~~mental retardation,~~**
32 **~~and developmental disabilities services fund.~~**

33 1. For the purposes of this chapter and chapter
34 426B, unless the context otherwise requires,
35 ~~"services fund" means the county mental health, mental~~
36 ~~retardation, and developmental disabilities services~~
37 ~~fund created in subsection 2. The county finance~~
38 ~~committee created in section 333A.2 shall consult with~~
39 ~~the state commission in adopting rules and prescribing~~
40 ~~forms for administering the services fund.:~~

41 a. "Base year expenditures for mental health and
42 disabilities services" means the same as defined in
43 section 331.438, Code Supplement 2011, minus the amount
44 the county received from the property tax relief fund
45 pursuant to section 426B.1, Code 2011, for the fiscal
46 year beginning July 1, 2008.

47 b. "County population expenditure target amount"
48 means the product of the statewide per capita
49 expenditure target amount multiplied by a county's
50 general population.

1 c. "County services fund" means a county mental
2 health and disabilities services fund created pursuant
3 to this section.

4 d. "Per capita growth amount" means the amount by
5 which the statewide per capita expenditure target
6 amount may grow from one year to the next.

7 e. "Statewide per capita expenditure target amount"
8 means the dollar amount of a statewide expenditure
9 target per person as established by statute.

10 2. The county finance committee created in section
11 333A.2 shall consult with the department of human
12 services and the department of management in adopting
13 rules and prescribing forms for administering the
14 county services funds.

15 ~~2. 3.~~ For the fiscal year beginning July 1, 1996,
16 ~~and succeeding fiscal years, county~~ County ~~revenues~~
17 ~~from taxes and other sources designated by a county for~~
18 ~~mental health, mental retardation, and developmental~~
19 ~~disabilities services shall be credited to the county~~
20 ~~mental health, mental retardation, and developmental~~
21 ~~disabilities services fund of which shall be created by~~
22 ~~the county. The board shall make appropriations from~~
23 ~~the fund for payment of services provided under the~~
24 ~~county regional service system management plan approved~~
25 ~~pursuant to section 331.439~~ 331.439A. The county may
26 pay for the services in cooperation with other counties
27 by pooling appropriations from the county services
28 fund with appropriations from the county services fund
29 of other counties or through county regional entities
30 including but not limited to the county's mental health
31 and developmental disabilities regional planning
32 council created pursuant to section 225C.18 through the
33 county's regional administrator, or through another
34 arrangement specified in the regional governance
35 agreement entered into by the county under section
36 331.438E.

37 ~~3. 4.~~ For the fiscal year beginning July 1, 1996,
38 ~~and succeeding fiscal years, receipts~~ Receipts from the
39 state or federal government for such the mental health
40 and disability services administered or paid for by a
41 county shall be credited to the county services fund,
42 including moneys allotted distributed to the county
43 from the state payment made pursuant to section 331.439
44 and moneys allotted to the county for property tax
45 relief pursuant to section 426B.1 ~~department of human~~
46 services and moneys allocated under chapter 426B.

47 4. 5. For the fiscal year beginning July 1, 1996,
48 and for each subsequent fiscal year, the county shall
49 certify a levy for payment of services. For each
50 fiscal year, county revenues from taxes imposed by the

1 county credited to the services fund shall not exceed
2 an amount equal to the amount of base year expenditures
3 for mental health and disability services as defined
4 in section 331.438, less the amount of property tax
5 relief to be received pursuant to section 426B.2, in
6 the fiscal year for which the budget is certified.
7 The county auditor and the board of supervisors shall
8 reduce the amount of the levy certified for the
9 services fund by the amount of property tax relief to
10 be received. A levy certified under this section is
11 not subject to the appeal provisions of section 331.426
12 or to any other provision in law authorizing a county
13 to exceed, increase, or appeal a property tax levy
14 limit.

15 5. 6. Appropriations specifically authorized to be
16 made from the mental health, ~~mental retardation,~~ and
17 ~~developmental~~ disabilities services fund shall not be
18 made from any other fund of the county.

19 6. 7. This section is repealed July 1, 2013.
20 Notwithstanding subsection 5, for the fiscal years
21 beginning July 1, 2013, and July 1, 2014, county
22 revenues from taxes levied by the county and credited
23 to the county services fund shall not exceed the lower
24 of the following amounts:

25 a. The amount of the county's base year
26 expenditures for mental health and disabilities
27 services.

28 b. The amount equal to the product of the statewide
29 per capita expenditure target for the fiscal year
30 beginning July 1, 2013, multiplied by the county's
31 general population for the same fiscal year.

32 Sec. _____. Section 331.432, subsection 3, Code
33 Supplement 2011, is amended to read as follows:

34 3. Except as authorized in section 331.477,
35 transfers of moneys between the county mental health,
36 ~~mental retardation,~~ and ~~developmental~~ disabilities
37 services fund created pursuant to section 331.424A and
38 any other fund are prohibited.

39 Sec. _____. Section 426B.1, subsection 2, Code 2011,
40 is amended by striking the subsection and inserting in
41 lieu thereof the following:

42 2. Moneys shall be distributed from the property
43 tax relief fund to counties for the mental health and
44 disability regional service system for providing county
45 base property tax equivalent equalization payments and
46 the per capita growth amount established pursuant to
47 section 426B.3, in accordance with the appropriations
48 made to the fund and other statutory requirements.

49 Sec. _____. Section 426B.2, subsections 1 and 2, Code
50 2011, are amended by striking the subsections.

1 Sec. _____. Section 426B.2, subsection 3, Code 2011,
2 is amended to read as follows:

3 3. ~~a.~~ The director of human services shall draw
4 warrants on the property tax relief fund, payable to
5 the county treasurer in the amount due to a county in
6 accordance with ~~subsection 1~~ section 426B.3, and mail
7 the warrants to the county auditors in July and January
8 of each year.

9 ~~b. Any replacement generation tax in the property~~
10 ~~tax relief fund as of May 1 shall be paid to the~~
11 ~~county treasurers in July and January of the fiscal~~
12 ~~year beginning the following July 1. The department~~
13 ~~of management shall determine the amount each county~~
14 ~~will be paid pursuant to this lettered paragraph~~
15 ~~for the following fiscal year. The department shall~~
16 ~~reduce by the determined amount the amount of each~~
17 ~~county's certified budget to be raised by property~~
18 ~~tax for that fiscal year which is to be expended for~~
19 ~~mental health, mental retardation, and developmental~~
20 ~~disabilities services and shall revise the rate of~~
21 ~~taxation as necessary to raise the reduced amount. The~~
22 ~~department of management shall report the reduction in~~
23 ~~the certified budget and the revised rate of taxation~~
24 ~~to the county auditors by June 15.~~

25 Sec. _____. Section 426B.3, Code 2011, is amended by
26 striking the section and inserting in lieu thereof the
27 following:

28 **426B.3 Per capita funding for fiscal years 2013-2014**
29 **and 2014-2015.**

30 1. For the fiscal years beginning July 1, 2013,
31 and July 1, 2014, the state and county funding for the
32 mental health and disability services administered
33 or paid for by counties shall be provided based on a
34 statewide per capita expenditure target amount computed
35 in accordance with this section.

36 2. The statewide per capita expenditure target
37 amount shall consist of the sum of the following:

38 a. A county base property tax equivalent to
39 forty-seven dollars and twenty-eight cents per capita.
40 Each per capita growth amount established by statute
41 as provided in paragraph "b", shall be added to this
42 amount.

43 b. A per capita growth amount, which may be stated
44 as a percentage of the prior fiscal year's county base
45 property tax per capita amount, as established by
46 statute.

47 3. The per capita growth amount established
48 by statute shall provide funding for increases in
49 non-Medicaid expenditures from county services funds
50 due to service costs, additional service populations,

1 additional core service domains, and numbers of persons
2 receiving services.

3 4. a. For the fiscal years beginning July 1, 2013,
4 and July 1, 2014, a county with a county population
5 expenditure target amount that exceeds the amount of
6 the county's base year expenditures for mental health
7 and disabilities services shall receive an equalization
8 payment for the difference.

9 b. The equalization payments determined in
10 accordance with this subsection shall be made by the
11 department of human services for each fiscal year as
12 provided in appropriations made from the property tax
13 relief fund for this purpose.

14 Sec. _____. REPEAL. Section 426B.6, Code Supplement
15 2011, is repealed.

16 Sec. _____. EFFECTIVE DATE. The following provisions
17 of this division of this Act take effect July 1, 2013:

18 1. The section of this Act amending section
19 331.424A.

20 2. The section of this Act amending section
21 331.432.

22 3. The section of this Act amending section 426B.1.

23 4. The sections of this Act amending section
24 426B.2.

25 5. The section of this Act amending section 426B.3.

26 Sec. _____. APPLICABILITY. The following provisions
27 of this division of this Act are applicable commencing
28 with the budget and tax levy certification process for
29 the fiscal year beginning July 1, 2013:

30 1. The section of this Act amending section
31 331.424A.

32 2. The section of this Act amending section 426B.1.

33 3. The sections of this Act amending section
34 426B.2.

35 4. The section of this Act amending section
36 426B.3.>

37 10. By renumbering as necessary.

JACK HATCH